

FILED

UNITED STATES COURT OF APPEALS

FEB 15 2008

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

RICK P. SMITH,

Plaintiff - Appellant,

v.

A. PERRY, Deputy, #71794; et al.,

Defendants - Appellees.

No. 07-17276

D.C. No. CV-07-04440-WHA
Northern District of California,
San Francisco

ORDER

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the November 30, 2007 notice of appeal was not filed or delivered to prison officials within 30 days from entry of the September 18, 2007 judgment. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

PROSE

INTERNAL USE ONLY: Proceedings include all events.
07-17276 Smith v. Perry, et al

RICK P. SMITH
Plaintiff - Appellant

Rick P. Smith
T-98778
[NTC prs]
SQSP - SAN QUENTIN STATE PRISON
Inmate Mail
San Quentin, CA 94974

v.

A. PERRY, Deputy, #71794
Defendant - Appellee

No appearance
no appearance
Street Address
City,
Country

HUTTON, #70473
Defendant - Appellee

No appearance
(See above)

GRIGGS, #68551
Defendant - Appellee

No appearance
(See above)

FOREMAN, #68550
Defendant - Appellee

No appearance
(See above)